

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

STEVEN HURLBURT #281679,

Plaintiff,

v.

Case No. 10-14970
Honorable Denise Page Hood

DARRELL PARKER et al.,

Defendants.

**ORDER ACCEPTING AND ADOPTING MAGISTRATE JUDGE'S REPORT AND
RECOMMENDATION, GRANTING DEFENDANTS' MOTIONS TO DISMISS, AND
DISMISSING THIS CASE**

This matter is before the Court on Magistrate Judge Mark A. Randon's Report and Recommendation ("R&R") [**Docket No. 29, filed December 29, 2011**]. There were objections filed.

When examining a Magistrate's Report and Recommendation, 28 U.S.C. § 636 governs the standard of review. This Court "shall make a de novo determination of those portions of the report or specified proposed findings or recommendations to which objection is made." 28 U.S.C. § 636(b)(1). The Court "may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge." *Id.* The R&R recommends that the Court grant Defendants' motions to dismiss and dismiss this case with prejudice. The parties have not objected to the Magistrate's recommendation. The Court accepts and adopts the Magistrate's analysis and recommendation in its entirety. Plaintiff has not alleged sufficient facts to show an Eighth Amendment violation.

IT IS ORDERED that Magistrate Judge Mark A. Randon's Report and Recommendation [**Docket No. 29, filed December 19, 2011**] is **ACCEPTED** and **ADOPTED** as this Court's findings and conclusions of law.

IT IS FURTHER ORDERED that Defendants' Motions to Dismiss [**Docket Nos. 19 & 20**] are **GRANTED**.

IT IS FURTHER ORDERED that this case is **DISMISSED WITH PREJUDICE**.

Dated: February 29, 2012

s/Denise Page Hood
DENISE PAGE HOOD
UNITED STATES DISTRICT JUDGE

I hereby certify that a copy of the foregoing document was mailed to Steven Hurlburt 281679, 1013 14th Street, Port Huron, MI 48060 and the attorneys of record on this date, Wednesday, February 29, 2012, by electronic and/or ordinary mail.

s/LaShawn R. Sauslberry
Case Manager